

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL  
CORPORATION,

Plaintiff,

v.

BOLIVARIAN REPUBLIC  
OF VENEZUELA,

Defendant.

C.A. No. 17-mc-151-LPS

**CRYSTALLEX INTERNATIONAL CORPORATION'S RESPONSE TO  
*PRO SE PLAINTIFF IVAN FREITES' PUTATIVE "MOTION FOR RELIEF FROM  
JUDGMENT AND REQUEST FOR SEALED FILING OF SUPPLEMENT"***

OF COUNSEL:

Robert L. Weigel

Jason W. Myatt

Rahim Moloo

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, New York 10166

Tel: (212) 351-4000

Fax: (212) 351-4035

Raymond J. DiCamillo (#3188)

Jeffrey L. Moyer (#3309)

Travis S. Hunter (#5350)

RICHARDS, LAYTON & FINGER, P.A.

One Rodney Square

920 North King Street

Wilmington, Delaware 19801

Tel: (302) 651-7700

Fax: (302) 651-7701

*Attorneys for Plaintiff*

Miguel A. Estrada

Lucas C. Townsend

Adam M. Smith

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.

Washington, D.C. 20036

Tel: (202) 955-8500

Fax: (202) 467-0539

Dated: July 3, 2024

Crystalex respectfully submits this response to the June 28, 2024 submission of *pro se* plaintiff Mr. Ivan Freites, docketed as a “Motion for Relief from Judgment and Request for Sealed Filing of Supplement,” D.I. 1200. As a non-party who has neither appeared nor moved to intervene, Mr. Freites cannot file motions seeking substantive relief in this case. Although Crystalex does not concede that Mr. Freites’ submission is a motion, Crystalex nevertheless submits this brief response in opposition.

Mr. Freites is not a party to this case and is not bound by this Court’s rulings. *Taylor v. Sturgell*, 553 U.S. 880, 893 (2008) (“[O]ne is not bound by a judgment in personam in a litigation in which he is not designated as a party or to which he has not been made a party by service of process.”) (quoting *Hansberry v. Lee*, 311 U.S. 32, 40 (1940)). Accordingly, he lacks standing to seek relief from Crystalex’s judgment. *Cole v. Guardian Life Ins. Co. of Am.*, 594 F. App’x 752, 755 (3d Cir. 2014) (plaintiff could not invoke collateral estoppel to manufacture standing where issue alleged to be in dispute “was not actually litigated” in prior case). Furthermore, Mr. Freites’ putative motion is outside the one-year limitation on Rule 60(b) motions, *see Fed. R. Civ. R. 60(c)(1); Dukes v. Wood*, 2023 WL 5928490, at \*1 (3d Cir. Sept. 12, 2023), *cert. denied*, 144 S. Ct. 1019 (2024), and meritless. Mr. Freites’ putative motion relies on information regarding expert reports submitted by one of Crystalex’s experts, Jose Ignacio Hernandez, whose subsequent role in the Venezuelan Government under Interim President Juan Guaidó has been a matter of public record for years. *See, e.g., OI Eur. Grp. B.V. v. Bolivarian Republic of Venezuela*, 663 F. Supp. 3d 406, 420 (D. Del.), *aff’d*, 73 F.4th 157 (3d Cir. 2023), *cert. denied*, 144 S. Ct. 549 (2024) (citing the Declaration of Jose Ignacio Hernandez submitted on behalf of the Guaidó Government). There is no reason, nor does Mr. Freites articulate one, to disturb Crystalex’s judgment based on such stale and well-known facts.

Mr. Freites' submission is representative of the types of filings that have been and may in the future be made by additional creditors—or potential creditors in the case of Mr. Freites—of the Venezuela Parties seeking to preserve Venezuela's assets for their own benefit. But the possibility of additional claims against the Venezuela Parties is not a basis to delay the satisfaction of Crystalex's judgment here. Therefore, to the extent Mr. Freites' filing was properly docketed as a motion, Crystalex respectfully asks the Court to deny it.

OF COUNSEL:

Robert L. Weigel  
Jason W. Myatt  
Rahim Moloo  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, New York 10166  
(212) 351-4000

Miguel A. Estrada  
Lucas C. Townsend  
Adam M. Smith  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Tel: (202) 955-8500  
Fax: (202) 467-0539

*/s/ Jeffrey L. Moyer*

---

Raymond J. DiCamillo (#3188)  
Jeffrey L. Moyer (#3309)  
Travis S. Hunter (#5350)  
RICHARDS, LAYTON & FINGER, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, Delaware 19801  
(302) 651-7700  
dicamillo@rlf.com  
moyer@rlf.com  
hunter@rlf.com

*Attorneys for Plaintiff*

Dated: July 3, 2024